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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/691,792

Applicant(s)

KAMEN ET AL.

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 10-15 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 10, and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Each of claims 1, 10, and 14 describe an invention wherein a user will input a request to alter the program guide, and the request is fulfilled according to a time trigger which is established for a predefined time. Claim 1 states "...a signal filter based on a user-input...wherein the control command is generated by the signal filter based on a time trigger." Claim 10 states "receiving, at a broadcast receiving device, a user request to change at least one portion of an electronic programming guide at a predefined time". Claim 14 states "receiving a user request to change at least one portion of an electronic programming guide at a predefined time".

However, the only support found in the originally filed specification for the use of time triggers is found on page 12, lines 7-10, which state the control command is generated in response to either a time related event, or a user related signal, and no support is found in the specification that applicants anticipated both time triggers and user-related signals both being used in conjunction, as claimed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-6, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolovska et al. (6,281,898, of record) [Nikolovska] in view of Handelman et al. (6,312,336, of record), Beer (5,793,368, of record), and Watanabe et al. (6,223,347) [Watanabe].

Regarding claims 1, 10, 13, and 14, Nikolovska discloses a system for providing an electronic program guide (EPG) (figs. 1-6) configured to display programs from a plurality of program sources on a plurality of user-selectable channels (the third axis 104 lists the available channels, col. 2, lines 55-65) comprising an EPG presentation generator (fig. 7, processor 2) for generating a displayable EPG presentation (as shown in figs. 1-6), wherein the EPG

presentation is configured to be displayed as a three-dimensionally set of three-dimensional surfaces textured by pre-processed scheduling data (as shown in figs. 1-6, col. 2, lines 41-65) and a signal filter (col. 3, lines 7-12) that is based on user input (such as highlighting and selection of items, col. 3, lines 52-67).

Nikolovska fails to disclose the user input is a request for the use of a different font type and a morphing engine including a database of different EPG presentation solutions, the morphing engine configured to select one of said EPG presentation solution from the database based on a control command generated by a signal filter, wherein the control command is generated by the signal filter based on a time trigger.

In an analogous art, Handelman teaches providing a user with the option and means to change the font of displayed text in a program guide (col. 9, lines 49-55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Nikolovska to include offering the choice of different font types to users, as taught by Handelman, for the benefit of additional display function flexibility.

Nikolovska and Handelman fail to disclose a morphing engine including a database of different EPG presentation solutions, the morphing engine configured to select one of said EPG presentation solution from the database based on a control command generated by a signal filter; wherein the control command is generated by the signal filter based on a time trigger.

In an analogous art, Beer discloses a user interface system including a morphing engine (resident PGUI which controls the display, col. 3, lines 50-67) including a database of different presentation solutions (UIL user interface descriptions saved in the local storage unit for later retrieval, col. 3, lines 50-67), and based on a control command (user input) generated by a signal filter (input from the user input devices, such as pointing device or keyboard, col. 3, lines 16-25), one of said solutions is selected from said database for display (col. 3, lines 23-25), providing the benefit of allowing a user to select from a variety of different styles for a user interface (col. 3, lines 23-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Nikolovska and Handelman to include a morphing engine including a database of different presentation solutions, the morphing engine configured to select one of said EPG presentation solution from the database based on a control command generated by a signal filter, as taught by Beer, for the benefit of allowing a user to select from a variety of different styles for the EPG interface.

Nikolovska, Handelman, and Beer fail to disclose the control command is generated by the signal filter based on a time trigger.

In an analogous art, Watanabe discloses a display system wherein user input display operations include predefined time triggers which are generated at a predefined time to initiate control of a display (col. 45, lines 20-23 and col. 46,

lines 3-34), granting a user enhanced control over control of the output of the display.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Nikolovska, Handelman, and Beer to include the control command is generated by the signal filter based on a time trigger, as taught by Watanabe, for the benefit of granting a user enhanced control over control of the manner of output of the EPG.

Regarding claim 4, Nikolovska, Handelman, Beer, and Watanabe disclose the system of claim 1, wherein the morphing engine further includes a set of parametrical functions (Beer's 'widgets', col. 3, lines 50-67) and wherein the control command generated by the signal filter creates a request for a function of the set of parametrical functions and parameters associated with the requested function (Beer teaches users can selectively add, delete, select, and modify said widgets, col. 3, lines 50-67).

Regarding claims 5, 11, and 15, Nikolovska, Handelman, Beer, and Watanabe disclose the system, method, and computer readable medium of claims 1, 10, and 14, wherein the morphing engine further includes a mix of presentation solutions and functions, and wherein the control command generated by the signal filter creates a request for one of said presentation

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solutions (Beer teaches users may select a visual style, col. 3, lines 23-25, in addition to selecting individual 'widgets', col. 4, lines 50-67).

Regarding claim 6, Nikolovska, Handelman, Beer, and Watanabe disclose the system of claim 1, wherein the morphing engine further includes a mix of presentation solutions and functions, and wherein the control command generated by the signal filter creates a request for a function and parameters associated with the requested function (Beer teaches users may select individual 'widgets', col. 4, lines 50-67, in addition to selecting a visual style, col. 3, lines 23-25).

Regarding claim 12, Nikolovska, Handelman, Beer, and Watanabe disclose the method of claim 10, wherein the broadcast receiving device comprises a set top box (Nikolovska, col. 2, lines 9-23).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolovska, Handelman, Beer, and Watanabe as applied to claim 1 above, and further in view of Kikinjs (6,205,485, listed on the PTO-1449 filed 01/31/02).

Regarding claim 8, Nikolovska, Handelman, Beer, and Watanabe disclose the system of claim 1, but fail to disclose a second signal filter based on input from a broadcaster.



In an analogous art, Kikinis teaches receiving commands (command bearing tags, col. 4, lines 44-58) from a broadcaster (transmission is performed via satellite, col. 4, lines 38-43 and col. 5, lines 8-12) which control the display presented to a user (col. 7 line 47 – col. 8 line 9), enabling the broadcaster to control the information presented to a user in the most beneficial manner (col. 5, lines 13-32).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Nikolovska, Handelman, Beer, and Watanabe to base a signal filter on input from a broadcaster, as taught by Kikinis, for the benefit of enabling the broadcaster to control the display presented to the user in the manner most beneficial to the broadcaster and the programming providers.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2623

DS

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER